

B3 1746 (Amended) The method of claim ⁴⁸ 47, [further comprising a step] wherein the act of forming said barrier layer containing a reducing agent further comprises forming a silicon-containing layer on [a top surface of the] said barrier layer [prior to the metal seed layer forming step] ,said silicon-containing layer being said reducing agent.

REMARKS

Applicants have amended claims 22 and 70 to better define the subject matter of the invention. Applicants have provisionally elected the species recited by claims 1-21, 47-69, 112, and 113 for continued examination, with traverse. Applicants reserve the right to pursue the original claims and other claims in this and other applications.

M.P.E.P. § 803 states: "If the search and examination of an entire application can be made with out serious burden, the examiner must examine it on the merits, even though it includes claims to distinct or independent inventions." (emphasis added). Clearly, the subject matter of all claims of the application is closely related, and the present application can and has been searched and examined in its entirety without serious burden. M.P.E.P. § 803 applies generally to restriction requirements and election of species requirements. Therefore, all of the claims should be examined together at this time.

The Examiner has not established a *prima facie* showing that the examination of all claims now pending would constitute a serious burden, as required by M.P.E.P. § 803 (B). The Examiner has not provided such a showing by an appropriate explanation of separate classification, separate status in the art, or different field of search as defined in

M.P.E.P. § 808.02, therefore, the Election/Restriction requirement is improper and should be withdrawn.

Additionally, it is argued that claim 1 is generic to all claims in the application. Wherein claim 1 recites “forming a barrier layer containing a reducing agent,” all other claims either include this same limitation or substitute the more narrow limitations of “forming a silicon layer,” or “forming a silicon oxide layer.” In all claims, a seed layer is formed by reacting the aforementioned layer with a “first plating solution.” Therefore upon allowance of the generic claim 1, Applicants will be entitled to consideration of all other claims.

As amended, claim 22, which depends from claim 1, and those claims depending from claim 22, claims 23-25, should be included in Species 1, including claim 1, and examined along with the claims of this species. The Election/Restriction requirement drawing a distinction between Species 1 and Species 2 should be withdrawn.

As amended, claim 70, which depends from claim 47, and those claims depending from claim 70, claims 71-74, should be included in Species 1, including claim 47, and examined along with the claims of this species. Therefore, the Election/Restriction requirement drawing a distinction between Species 1 and Species 2 should be withdrawn. As amended, claims 70-74 are drawn to forming a “silicon-containing layer.” Therefore, the Election/Restriction requirement drawing a distinction between Species 2 and Species 3 should be withdrawn as well.




Applicants' election is made without prejudice. Upon the allowance of a generic claim, Applicants will be entitled to consideration of claims to a reasonable number of species in addition to the elected species, provided that all claims to each additional species are written in dependent form or otherwise include all the limitations of an allowed generic claim as provided by 37 C.F.R. § 1.141.

The application is believed to be in immediate form for allowance, therefore an action on the merits of all claims and a Notice of Allowance thereof are respectfully requested.

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Respectfully submitted,

By 

Thomas J. D'Amico

Registration No.: 28,371

DICKSTEIN SHAPIRO MORIN &

OSHINSKY LLP

2101 L Street NW

Washington, DC 20037-1526

(202) 785-9700

Attorneys for Applicants

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